GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – PR&RD – Allegations of claiming of salaries irregularly in respect of Sri P.Kamal Suresh Babu, the then Jr.Asst., O/o the EE., P.R., Kavali, SPSR Nellore Dist.– Disciplinary proceedings against Sri P.Nagewara Rao,I/c. Executive Engineer, Panchayat Raj, Kavali Division, Kavali, SPSR Nellore District, under Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 – Article of charges – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.II) DEPARTMENT

G.O.Rt.No.790 **Dated:30.11.2017.**

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ORDER:

It is proposed to hold an enquiry against Sri P.Nagewara Rao, I/c. Executive Engineer, Panchayat Raj, Kavali Division, Kavali, SPSR Nellore District, in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the enquiry is proposed to be held is set out in the enclosed statement of article of charges (Annexure-I). A statement of imputations of misconduct, a list of documents by which and a list of witnesses by whom, the article of charges are proposed to be sustained are also enclosed (Annexure - II , III and IV).

3. Sri P.Nagewara Rao,I/c. Executive Engineer, Panchayat Raj, Kavali Division, Kavali, SPSR Nellore District, is directed to submit within ten (10) days of the receipt of this order, a written statement of his defence.

4. Sri P.Nagewara Rao, I/c. Executive Engineer, Panchayat Raj, Kavali Division, Kavali, SPSR Nellore District, is informed that an enquiry will be held only in respect of article of those charges as are not admitted. He should, therefore, specifically admit or deny article of charge.

5. Sri P.Nagewara Rao, I/c. Executive Engineer, Panchayat Raj, Kavali Division, Kavali, SPSR Nellore District, is further informed that if he does not submit his written statement of defence on or before the period specified in Para 3 above or otherwise fails or refuses to comply with the provisions of Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex-parte.

6. Sri P.Nagewara Rao,I/c. Executive Engineer, Panchayat Raj, Kavali Division, Kavali, SPSR Nellore District, is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Sri P.Nagewara Rao,I/c. Executive Engineer, Panchayat Raj, Kavali Division, Kavali, SPSR Nellore District, is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this G.O. shall be acknowledged.

(BY ORDER AND IN THE NAME OFTHE GOVERNOR OF ANDHRA PRADESH)

Dr. K.S. JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri P.Nagewara Rao, I/c. Executive Engineer, Panchayat Raj, Kavali Division, Kavali, SPSR Nellore District through the Engineer-in-Chief, Panchayat Raj, Andhra Pradesh, Vijayawada.

(P.T.O.)

The Engineer-in-Chief, Panchayat Raj, Andhra Pradesh, Vijayawada.(in duplicate with a request to serve and return the dated acknowledgement copy).
Copy to:
The Director General, Anti-Corruption Bureau, Andhra Pradesh, Vijayawada.
The Secretary, Andhra Pradesh Vigilance Commission, Vijayawada.
The Panchayat Raj & Rural Development (Estt.I) Department.
S.f./S.c.

//FORWARDED BY ORDER//

SECTION OFFICER

ANNEXURE-I

STATEMENT SHOWING THE ARTICLE OF CHARGES FRAMED AGAINST SRI P.NAGESWARA RAO, I/C.EXECUTIVE ENGINEER, PANCHAYAT RAJ DIVISION, KAVALI MANDAL, SPSR NELLORE DISTRICT.

CHARGE:

That Sri P.Nageswara Rao, while working as I/c. Executive Engineer, Panchayat Raj Kavali from 01.04.2007 to 08.07.2008, being a superior officer, without verifying the bills prepared by the ministerial staff and without obtaining duty certificate, has allowed Sri Kamal Suresh Babu, Junior Assistant to draw his pay and allowances even for his unauthorized absence period of 142 days, thereby caused loss to the Government.

Thus, Sri P.Nageswara Rao, while working as I/c. Executive Engineer, Panchayat Raj Division, Kavali Mandal, SPSR Nellore District by his above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Government servant and thereby contravened Rule 3(1) (2) & (5) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Hence the Charge.

Dr. K.S. JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE –II

STATEMENT OF IMPUTATIONS OF MISCONDUCT IN SUPPORT OF ARTICLES OF CHARGES FRAMED AGAINST SRI P. NAGESWARA RAO, I/c. EXECUTIVE ENGINEER, PANCHAYAT RAJ, KAVALI DIVISION, KAVALI, SPSR NELLORE DISTRICT.

Sri Kamal Suresh Babu, Junior Assistant was originally appointed as Junior Assistant at MPDO Office, Ananthasagaram Mandal on 17.05.1995 on compassionate appointment grounds and he worked there up to 19.11.1999 and from 20.11.1999 to 31.07.2007 he worked at o/o MPDO Dagadarthi. Then he was transferred to office of Executive Engineer, Panchayat Raj, Kavali Division, SPSR Nellore Dist. and reported on 01-08-2007 and worked up to 16.08.2007. He was sent to O/o MPDO., Dagadarthi Mandal on deputation from the O/o EE., P.R., Kavali Division and was relieved on 17-08-2007 vide Rc.No.A2/JA/Vol-II and as per orders of CEO., ZP., Nellore vide Rc.No.A2/5581/2006 dated:10.08.2007. He reported in the O/o MPDO., Dagadarthi Mandal and every month he received salaries from O/o EE., P.R., Kavali without sending the duty certificates from the O/o the MPDO., Dagadarthi Mandal. His post was at O/o EE., P.R., kavali but on deputation orders of the C.E.O., Z.P., Nellore the EE., P.R., Kavali relieved him from his office on deputation basis to O/o the MPDO, Dagadarthi Mandal. The Audit report clearly establishes the un-authorized absence of Sri Kamal Suresh Babu, Jr.Asst.

As per the audit report, Sri P.Kamal Suresh Babu, Junior Assistant absented for duty for a period of 613 (in total) and the relevant period pertaining to Sri P. Nageswara Rao, I/c Executive Engineer as supervisory officer / DDO, is detailed below.

01.04.2007 to 06.04.2007	6 days
01.06.2007 to 02.06.2007	2 days
25.06.2007 to 26.06.2007	2 days
29.06.2007 to 30.06.2007	2 days
01.07.2007 to 05.07.2007	5 days
25.07.2007 to 30.07.2007	6 days
08-2007	9 days
09-2007	26 days
10-2007	27 days
11-2007	28 days
12-2007	29 days
Total	142 days

Further the auditors who were appointed verified the records categorically mentioned in the Audit Report about drawing of the salary of Sri Kamal Suresh Babu, for the absence period.

Even in the explanation of Sri Kamal Suresh Babu he admitted that he was absent for a period of 590 days in between 17.8.2007 to 10.01.2011. He further admitted he was mentally upset due to his family problems and the department inadvertently had drawn the salary and some amount was credited to bank loan and the remaining was drawn by him through ATMs by his family members.

(Contd…)

It is the bounden duty of Sri P.Nageswara Rao, I/c. Executive Engineer to personally verify the bills prepared by the ministerial staff in respect of Sri Kamal Suresh Babu for disbursing the salary to him. Sri P.Nageswara Rao, I/c. Executive Engineer has to obtain duty certificate from the concerned MPDO of Dagadarthi Mandal and after going through the same he has to recommend for payment of salary to Sri Kamal Suresh Babu. Sri P.Nageswara Rao, I/c. Executive Engineer knowing fully well that no duty certificate is received from the office of MPDO., Dagarthi in respect of Sri Kamal Suresh Babu, allowed Kamal Suresh Babu to draw his salary for the unauthorized absence period of 142 days during his supervision. Here in this case, Sri Kamal Suresh Babu, Junior Assistant in spite of his unauthorized absence from his duties had drawn the salary for the absence period which clearly shows the failure on the part of Sri P.Nageswara Rao, I/c. Executive Engineer, in discharging his duties.

The Oral evidence coupled with the documentary evidence clearly establishes the slack of supervision of Sri P.Nageswara Rao, I/c. EE. and thereby allowed Sri Kamal Suresh Babu, Junior Assistant to draw the salary for the absence period as if he attended to the duties.

Thus, the Government Servant Sri P.Nageswara Rao, I/c. EE. by his above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Govt. servant and thereby contravened Rule 3(1) (2) (5) of APCS (Conduct) Rules, 1964.

Thus, the Government Servant therefore rendered himself liable for regular departmental action under Rule 3(1) & (2) (5) of APCS (Conduct) Rules, 1964.

Dr. K.S. JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGES FRAMED AGAINST SRI P.NAGESWARA RAO,I/C. EXECUTIVE ENGINEER, PANCHAYAT RAJ DIVISION, KAVALI, SPSR NELLORE DISTRICT ARE PROPOSED TO BE SUSTAINED

1) Attendence Register of O/o Mandal Parishad Development Officer, Dagadarthi, Mandal for the years 2007, 2009 and 2010.

2) Service Book of Sri Pasupuleti Kamal Suresh Babu, Jr. Assistant, Office of the Executive Engineer, P.R. Division, Kavali, SPSR Nellore Dist.

3) Transfer Order vide Rc.No.A2/3688/2007 dated:24-07-2007 of Chief Executive Officer, Zilla Praja Parishad, Nellore.

4) Joining Report of Sri Pasupuleti Kamal Suresh Babu, Jr. Assistant, Office of the Executive Engineer, P.R. Division, Kavali, SPSR Nellore Dist.

5) Deputation Orders vide Rc.No.A2/5581/2006 dated:10.08.2007 of Chief Executive Officer, Zilla Praja Parishad, Nellore, SPSR Nellore Dist.

6) Relieving Orders of Executive Engineer, Panchayat Raj, Kavali, dated:17.08.2007 of Sri Pasupuleti Kamal Suresh Babu, Jr. Assistant, Office of the Executive Engineer, P.R. Division, Kavali, SPSR Nellore Dist.

7) Joining Report of Sri Pasupuleti Kamal Suresh Babu, Jr. Assistant, Office of the Executive Engineer, P.R. Division, Kavali, SPSR Nellore Dist. dt:17-08-07.

8) Bank Statements of salaries of Sri Pasupuleti Kamal Suresh Babu, Jr. Assistant, Office of the Executive Engineer, P.R. Division, Kavali, SPSR Nellore Dist.

9) Withdrawal Statement of salaries through ATMs of Sri Pasupuleti Kamal Suresh Babu, Jr. Assistant, Office of the Executive Engineer, P.R. Division, Kavali, SPSR Nellore Dist.

10) Remitted receipts of cash of Rs.2,80,000/- by the Sri Pasupuleti Kamal Suresh Babu, Jr. Assistant, Office of the Executive Engineer, P.R. Division, Kavali, SPSR Nellore Dist.

11) Proceedings of cancellation of deputation of Sri Pasupuleti Kamal Suresh Babu, Jr. Assistant, Office of the Executive Engineer, P.R. Division, Kavali, SPSR Nellore Dist. vide Rc.No.A1/4220/2007 dated:25-11-2010.

12) Audit Report dated:26-02-2013 by the Senior Assistant, O/o Asst. Auditor, State Audit, (Zilla Praja Parishad), Nellore.

13) Service Particulars of Sri P.Nageswara Rao, I/c. Executive Engineer.

Dr. K.S. JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE-IV

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGES FRAMED AGAINST SRI P.NAGESWARA RAO, I/C.EXECUTIVE ENGINEER, PANCHAYAT RAJ DIVISION, KAVALI, SPSR NELLORE DISTRICT ARE PROPOSED TO BE SUSTAINED.

1) Sri Vemula Naga Raju, S/o. Subba Ramaiah, aged about 41 years, Caste by Yadava, Jr.Assistant, O/o Zilla Praja Parishad, Nellore, SPSR Nellore Dist.

2) Sri Kovvuru Ananda Rao, S/o. Venkata Seshaiah, aged about 53 years, Office Subordinate, O/o MPDO., Dagadarthi Mandal, SPSR Nellore Dist.

3) Smt.Darla Akula Malayamathi, W/o. AWDK. Sekhar, aged about 55 years, Senior Assistant, O/o Zilla Praja Parishad, Nellore, SPSR Nellore Dist.

4) Kaliboga Sivakumar, S/o. Pullaiah, aged about 37 years, Office Subordinate, O/o. MPDO., Dagadarthi Mandal, SPSR Nellore Dist.

5) Gaddam Muthyam Babu, S/o. Babji Rao, aged about 47 years, Executive Engineer, Panchayat Raj Division, Kavali, SPSR Nellore Dist.

6) Smt. Suram Sridevi, W/o. Late Venkateswarlu, aged about 48 years, formerly Supdt. at the O/o. Zilla Praja Parishad, Nellore, SPSR Nellore Dist.

7) Pesala Krishna Reddy, S/o.Sanjeeva Reddy, aged about 49 years, Senior Assistant, O/o. The Asst. Audit Officer, State Audit (Z.P.), Nellore, SPSR Nellore Dist.

8) Sri A.Leela Kumar, S/o. Late Sambasiva Rao, aged about 45 years, Senior Auditor, O/o. The Asst. Audit Officer, State Audit (Z.P.), Nellore, SPSR Nellore Dist.

9) Sri B.Sarath Babu, Deputy Superintendent of Police, ACB., Nellore Range, Nellore.

10) Sri V.Sudhakar Reddy, Inspector, ACB., Nellore Range, Nellore.

11) Sri T.V.Srinivasa Rao, Inspector of Police, ACB., Nellore Range, Nellore.

12) Sri N.Siva Kumar Reddy, Inspector of Police, ACB., Nellore Range, Nellore.

Dr. K.S. JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER